

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:07-CV-95

CLIFTON BLACKSTOCK)
Plaintiff,)
)
v.)
)
GLENN MAYNOR, KENNETH SEALEY,)
PATRICK FERGUSON, VINCENT)
SINCLAIR, WESTERN SURETY)
INSURANCE COMPANY,)
ROBESON COUNTY and JOHN DOE,)
Defendants.)
)

ORDER

This matter is before the court on the Brief in Support of Motion for Voluntary Dismissal Without Prejudice [DE-45] filed by Plaintiff Clifton Blackstock in response to this court's June 3, 2008 Order [DE-44].

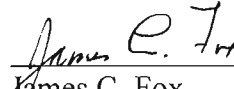
In the June 3, 2008 Order, the court observed that Blackstock seeks an order from the court, stating that his claims are dismissed without prejudice, and providing that he may re-file the civil action within one year of the date of the court's order allowing his motion. The court also observed that Blackstock, and the stipulating defendants, ask the court to incorporate the provisions of North Carolina Rule of Civil Procedure 41(a) into the order. The court directed Blackstock to file a brief, including citation to authority, that explains why including such a provision in the court's order is proper. Blackstock promptly complied with the court's directive.

For the reasons stated in Blackstock's Brief [DE-45], which this court ADOPTS and INCORPORATES herein, the Motion for Voluntary Dismissal [DE-43] is ALLOWED, and this

action is DISMISSED without prejudice with the stipulation that Plaintiff Clifton Blackstock shall have one year from the date of this dismissal in which to re-file this cause of action. The parties shall bear their own costs in the present action.

SO ORDERED.

This the 5th day of June, 2008.



James C. Fox
Senior United States District Judge